REMARKS

Applicants have carefully reviewed the Final Office Action mailed on January 10, 2007. Applicants respectfully traverse all objections, rejections, and assertions made by the Examiner. Claims 28-43 remain pending.

Claim rejection under 35 U.S.C. §103

Claims 28-43 are rejected under 35 U.S.C. §103(a) as being unpatentable over Itou et al. in EP 1 068 876 A2 in view of Utsumi et al. in U.S. Patent No. 5,258,160. Independent claims 28 and 29 both recite a proximal portion having about 80 to about 95 weight % polyoxymethylene homogeneously blended with about 5 to about 20 weight % polyether polyester. The Examiner indicated that Itou et al. disclose that the first and second materials are melted completely and solidified in a uniformly mixed or fused state at column 15, lines 29-32 and that this disclosure meets the claim limitation "homogenously blended". We respectfully disagree.

The word "homogenous", as used in the art when describing a blend of polymers, has a meaning that can be understood to denote a complete mixing of polymers such that any selected portion of resultant blend has essentially the same molecular configuration as any other selected portion of the blend.

Itou et al. do not use the word "homogenous" to describe the melting together of first linear member 51 and the second linear member 52. Instead, Itou et al. describe melting where it is possible that the members 51/52 are "uniformly mixed". The choice in terminology, alone, suggests that Itou et al. did not intend "uniform" to be synonymous with "homogenous".

Furthermore, paragraph [0083] in Itou et al. appears to be directed to how the melting process might produce a tube (e.g., layer 5 as shown in Figure 6) that is flat (i.e., has a "uniform" outer surface or diameter) or, in the alternative, to produce a tube that is "not flat" (i.e., has a "non-uniform" outer surface or diameter) and that retains the skeleton of one of members 51/52. This indicates that Itou et al. may be describing a "uniform" outer surface that is formed when first linear member 51 and second linear member 52 are heated. Thus, the disclosure of a "uniformly mixed" combination of linear members 51/52 does not appear to relate a homogenous blend of polymers.

Moreover, even though the converse may be true, not all "uniform" mixtures or blends are homogenous. For example, some "uniform" mixtures may include a regularly repeating or occurring pattern (i.e., a uniform pattern) such that the overall mixture is not homogenous.

In addition, it is not practical to assume that winding a first linear member 51 about a second linear member 52 about a base tube 4 and then heating them for 1 to 15 minutes would be sufficient to homogenously blend the members 52 whereas such heating would seem to be a logical means for of producing a flat resin layer 5 having a "uniform" outer surface or diameter. Instead, it only appears practical that some of the first linear member 51 and the second linear member 52 would diffuse together, leaving behind a non-homogenous" gradient of material.

Based on the forgoing remarks, Applicants respectfully submit that the cited passage in Itou et al. does not teach or suggest a proximal portion having about 80 to about 95 weight % polyoxymethylene that is homogeneously blended with about 5 to about 20 weight % polyether polyester. Utsumi et al. do not overcome this deficiency. Accordingly, the cited references fail to teach or suggest all the claim limitations. Because of this, a prima face case of obviousness has not been properly established for independent claims 28 and 29 or for those claims depending therefrom.

Conclusion

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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By their Attorney,

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